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09/471,637	12/23/1999	YUVAL BACHRACH	42390.P7286	7753

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EXAMINER
LAFORGIA, CHRISTIAN A

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/471,637
Filing Date: December 23, 1999
Appellant(s): BACHRACH, YUVAL

Kevin G. Shao, Registration No. 45,095

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 May 2005.

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3) ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.

(4) ***Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5) ***Summary of Invention***

The summary of invention contained in the brief is correct.

(6) ***Issues***

The appellant's statement of the issues in the brief is correct.

(7) ***Grouping of Claims***

The rejection of claims 1-21 stand or fall together because appellant's brief does not

include a statement that this grouping of claims does not stand or fall together and reasons in

support thereof. See 37 CFR 1.192(c)(7).

(8) ***Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

6,427,173	Boucher	07-2002
4,525,795	Rubin	06-1985
6,385,208	Findlater	10-2003

(10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 8, 9, 15, and 16 are rejected under 35 U.S.C. 102(e) over Boucher. This

rejection is set forth in a prior Office Action, mailed on 12 November 2003.

Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) over Boucher in view of Rubin.

This rejection is set forth in a prior Office Action, mailed on 12 November 2003.

Claims 5, 7, 10-14, and 17-21 are rejected under 35 U.S.C. 103(a) over Boucher in view

of Findlater. This rejection is set forth in a prior Office Action, mailed on 12 November 2003.

(11)   *Response to Argument*

For the above reasons, it is believed that the rejections should be sustained.

In response to the Applicant's argument that Boucher does not teach the PHY-to-MAC

words include slow mode PHY-to-MAC words, wherein a slow mode PHY-to-MAC word

received by the MAC from a PHY includes a transmit cycle field to indicate whether the MAC is

to provide data in a next MAC-to-PHY word transmitted by the MAC to the PHY subsequent to

the MAC receiving the slow mode PHY-to-MAC word, the Examiner respectfully disagrees.

The Examiner interprets words based upon their disclosure on page 4, lines 24-26 of the

disclosure, which states that:

> Words that are transmitted from PHY 126 to MAC 124 are referred to as PtM (PHY-to-MAC) words, and
> words that are transmitted from MAC 124 to PHY 126 are referred to as MtP (MAC-to-PHY) words.

Boucher teaches word-based communications in column 7, lines 34-57, wherein Boucher

discloses that a packet is received and summarized into a word or words. Boucher further goes

on to disclose the use of words in column 8, lines 38-63, stating that the word is used to

determine at the physical layer whether a received packet is a fast-path or slow-path candidate.

Boucher also states at column 10, lines 35-58 that words are again used to determine the

processing path of the received packets. Words are also defined by **Microsoft Computer**

Dictionary, 5th Edition as:

> The native unit of storage on a particular machine. A word is the largest amount of data that can be
> handled by the microprocessor in one operation and also, as a rule the width of the main data bus.

The Examiner contends that words are the method in which data is transferred in a computer

system.

Boucher discloses a PHY and a MAC communicating in column 26, line 52 to column

27, line 4, and again at column 28, lines 8-20. In the cited sections, Boucher discloses the MAC

making a determination regarding the beginning and end of a data packet. Boucher goes on in

column 15, line 59 to column 16, line 8, that states that the command driver that the protocol

stack (which comprises the MAC layer, IP layer, and TCP layer) interact with the INIC miniport

driver (the PHY layer as described column 26, lines 26-65).

Therefore, Boucher teaches communicating between the MAC and the PHY using words.

With regards to the transmit cycle field, the Examiner interprets the transmit cycle field

as it is defined on page 5, lines 13-14, that states:

> Bit position number 9 in Fig. 2 is the Tx_Cyc (Transmit Cycle) field to indicate whether MAC **124** is
> requested by PHY **126** to send data in the next MtP word.

The Examiner again refers to column 15, line 59 to column 16, line 8, that states the upper layer

interface (including the MAC, IP, and TCP layers) determines whether messages are sent from

the network to the fast-path (handled by the INIC) or slow-path (handled by the protocol stack).

This is further discussed in column 26, line 52 to column 27, line 4, wherein Boucher discloses

asserting the data valid signal to start loading the data received over the network.

Therefore, Boucher teaches transmitting words between the PHY and MAC, wherein the

words include a transmit cycle field to indicate whether the received data is to be handled via the

fast or slow path.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies, such as

a word-based interface, are not recited in the rejected claims. Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Respectfully submitted,

Christian LaForgia
Patent Examiner
Art Unit 2131

clf
August 17, 2005

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